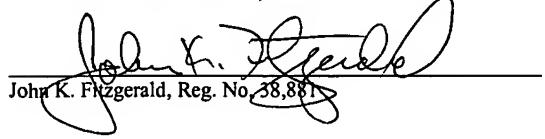




CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, Post Office Box 1450, Alexandria, VA 22313-1450 on December 18, 2003


John K. Fitzgerald, Reg. No. 38,881

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/645,755
Applicant : Timothy R. MacHold et al.
Filed : August 20, 2003
Art Unit : 2855
Examiner : Unassigned

Docket No.: : RADME-65147
Customer No. : 24201

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION IN RESPONSE TO NOTICE OF OMITTED ITEM(S)

IN A NONPROVISIONAL APPLICATION

Dear Sir:

In Response to the Notice of Omitted Item(s), Applicants respectfully submit the following:

On August 20, 2003, Applicants filed a Divisional Application containing 1 sheet of Abstract, 8 sheets of Claims and 59 sheets of specification. Copies of all papers filed on that date in this application are enclosed.

Applicants submitted a Utility Patent Application Transmittal, wherein under Section 5(b), a copy of a Declaration and Power of Attorney from a prior application was

enclosed, and under Section 18 the box entitled "Divisional" was marked. According to the instructions on Section 18, where a continuation or divisional application is filed, the entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5(b), is considered a part of the disclosure of the accompanying continuation or divisional application and is thereby incorporated by reference.

Box 18 goes on to state that the incorporation can only be relied on when a portion has been inadvertently omitted from the submitted application parts.

Applicants hereby state that Page 55 of the specification was inadvertently omitted from the submitted application parts. However, Page 55 was part of the disclosure of the prior application, and is therefore incorporated by reference. Applicants believe that since the omission was inadvertent, and that the omitted Page 55 was part of the prior application, that the incorporation by reference is proper. Accordingly, Applicants respectfully submit that page 55 of the specification, the omitted item, was in fact deposited in the U.S. Patent and Trademark Office with the nonprovisional application papers. Applicants respectfully request that the application be accorded the filing date of August 20, 2003, the date of filing of the nonprovisional application.

Because omitted Page 55 of the specification was incorporated by reference, Applicants respectfully submit that the requirements of Option 1 of the Notice of Omitted Item(s) in a Nonprovisional Application are met, and respectfully request that the Petition Fee of \$130 be refunded.

A copy of the "Notice of Omitted Item(s) in a Nonprovisional Application is enclosed with this Petition.

Please charge any additional fees payable in connection with this Petition to our
Deposit Account No. 06-2425.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: 
John K. Fitzgerald
Registration No. 38,881

JKF:vmm
Enclosures

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